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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/622,331 | 03/19/2001 | Mehmet Kemal Ozkan | RCA 89400 | 4673 |
| 24498 | 7590 | 12/01/2005 | EXAMINER | |
| THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312 | | | TRAN, HAI V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,331

Applicant(s)

OZKAN ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 09/12/2005 have been fully considered but they are not persuasive.

Applicant argues, "applicants' fail to see how a single version number replicated in all of the tables can possibly correspond to applicants' claimed 1st version identifier and 2nd version identifier found in independent claims 1 and 8."

In response, the examiner fails to see why the version_number of pages, 7, 13 and 21 could not be the same to applicants' claimed 1st version identifier and 2nd version identifier found in independent claims 1 and 8. First of all, ATSC standard provides a guide for implementing a standard for plurality of broadcasters wish to coordinate and combine their program guides for easily acquired, updated program guide from/to the master program guide database (see Scope page 1) as such, it is understood that combining plurality of program guide table from plurality broadcasters into a master program guide data base is done through the well known technique of "DataStructure and Relational database". Although, a single version number replicated in all of the tables, as indicated by Applicants, these version number clearly differentiate to each other based on their corresponding Table_id value of each distinct table of pages, 7, 13 and 21.

Applicants further argue, "From the above-cited text, the examiner should note that the CIT is not included in the AGDT. As such, the applicants fail to see how the

version number of the AGDT is "updated in response... to version change in a tertiary table hierarchically linked to said secondary table".

In response, the Examiner notes that the CIT is not included in the AGDT, as pointed out by Applicants. However, the Applicants should also note that Fig. 5.1, page 5 shows the relationship (relational database) between MGT, AGDT, CIT... As such, any change from one table will affect the change (update) of all linked tables.

Applicants further argues, "Nowhere does the Guide describe or suggest Applicants' claimed partitioning information. While the CIT of the Guide may include a variable number of channel grouping, this is not Applicants' required partitioning information."

In response, the examiner respectfully disagrees with Applicant because, as stated by Applicant, Applicant self-admitted that "While the CIT of the Guide may include a variable number of channel grouping", thus, Applicant's limitation "partitioning information" clearly reads on channel grouping; see page 24, section 5.4, 3rd paragraph, ... Channel Groupings... and Fig. 5.7, ... The channel grouping number and channel number are reflected in the table_ID_extension field (see page 26).

Applicants further argues, "... claim 13, this requires a database in said ancillary information. Nowhere does the Guide describe or suggest Applicants' claimed database."

In response, the Examiner respectfully disagrees with Applicant because clearly the Guide is a database (see page 1, section 1-Scope, i.e., easily updated program guide data base." The examiner further cites Table 5.2 with database (channel_grouping_list) included within the ancillary information (Channel information, i.e. Start_channel[l]), see page 11.

In conclusion, the examiner maintains the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 6160545) in view of Program Guide for digital Television ATSC Standard (Doc. A/55).

Claim 1, Eyer discloses an apparatus (Fig. 1 and 2) for acquiring packetized program data from at least a first source, comprising:

a processor (not shown) for acquiring program guide information (IPG data) and for acquiring ancillary information conveyed in hierarchically ordered data tables in said packetized program data, said ancillary information including an initial master program guide with "block_version" is used to indicate change in programming has occurred during the valid lifetime of the current master program guide (Col.13, lines

35-42+) an a processor for determining change and change the program guide as needed.

Eyer does not clearly disclose ancillary information including

(a) a first version identifier conveyed in a primary data table and updated in response to a version change in at least one of a plurality of secondary tables hierarchically linked to said primary data table, and

(b) a second version identifier conveyed in a secondary data table and updated in response to at least one of, a version change in said secondary table and version change in a tertiary table hierarchically linked to said secondary table.

Program Guide for digital Television ATSC Standard, now called ATSC standard, discloses a first version identifier conveyed in a primary data table (version_number of table 5.2, page 7) and a second version identifier conveyed in a secondary data table (version_number of table 5.3, page 13) and version change in a tertiary table (version_number of table 5.7) hierarchically linked to said secondary table. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer with ATSC standard so to take the advantage of the standard for coordinating and combing program guides from plurality of broadcasters (see ATSC Standard page 1).

Claim 2, ATSC standard further discloses wherein said primary data table comprises a root database table for indicating version change in hierarchically ordered program guide data tables (see page 5).

Claim 3, ATSC standard further discloses wherein said secondary data table is used to indicate change in multimedia objects comprising objects associated with at least one of (a) broadcast channels, (b) broadcast programs, and (c) User interface controls (see Additional Guide Data Table, pages 12-17).

Claim 4, ATSC standard further discloses, wherein said primary data table is used to indicate change in at least one of (a) electronic program guide information tables and (b) MPEG compatible program specific information (version_number page 8 and life_time page 9 and MPEG page 10).

Claim 5, ATSC standard further discloses, wherein said ancillary information is a two level hierarchical arrangement containing only primary table (master guide table) and secondary tables (Additional GuideData Table) (see page 5).

Claim 6, as discussed in claim 1, Chaney(Fig. 8) in view of ATSC standard discloses Apparatus for adaptively decoding re-partitionable packetized program guide data comprising a processor for acquiring program guide data comprising hierarchically ordered data table partitions and including partitioning information (Col. 8, lines 23-Col. 9, lines 15), in which the partitioning information including,

partition identifiers assigned to individual partitions of said program guide data, as disclosed by ATSC standard page 19; Channel grouping, see Fig. 5.6 and EIT-EIT Link, Fig. 5.7 page 24.

Claim 7, ATSC Standard (pages 4 and 9) further discloses wherein said partition identifiers identify program guide data partitions based on at least one of, (a) an area, (b) a broadcast time (Daylight_savings), complexity level, and (d) a partition type.

Claim 8, method claim is analyzed with respect to apparatus claims 1 and 6.

Claim 9, method claim is analyzed with respect to apparatus claim 2.

Claim 10, method claim is analyzed with respect to apparatus claim 3.

Claim 11, method claim is analyzed with respect to apparatus claim 4.

Claim 12, method claim is analyzed with respect to apparatus claim 5.

Claim 13, method claim is analyzed with respect to claim 6.

Claim 14, method claim is analyzed with respect to claims 3 and 10.

Claim 15, ATSC further discloses wherein an object comprises at least one of a video segment, audio segment, text, an icon an HTML document, a menu selectable items, an image windows (see page 19).

Claim 16, method claim is analyzed with respect to claim 7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

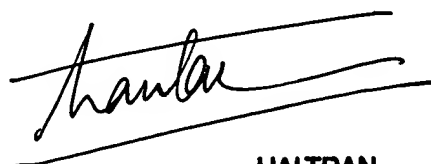
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
11/23/2005

A handwritten signature in cursive script, appearing to read 'HAITRAN', is written over two horizontal lines.

**HAITRAN
PRIMARY EXAMINER**